IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12085 of 2005

Between:

K. Bayappa Reddy S/o. Ranga Reddy
R/o. O.D. Cheruvu Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector and Additional District Magistrate,

Anantapur.
2 The Revenue Divisional Officer,

Penukonda, Anantapur District.
3 The Mandal Revenue Officer,

O.D. Cheruvu Mandal,
Anantapur District.
4 M. Obulelsu,

S/o. Rangappa
R/o. M. Kothapalli Village,
O.D. Cheruvu Mandal,

Anantapur Mandal.
5 V. Ramana Reddy,

S/o. Venkataramana
R/o. M. Kothapalli Village,
O.D. Cheruvu Mandal,

Anantapur Mandal.
6 Gowramma,

W/o. Venkataramana
R/o. M. Kothapalli Village,

O.D. Cheruvu Mandal, Anantapur Mandal.

7 V. Ramappa ,

S/o. Venkataramana
R/o. M. Kothapalli Village,
O.D. Cheruvu Mandal, Anantapur Mandal.

8 Sk. Mahaboob Peera,

S/o. Vali Sab
R/o. M. Kothapalli Village,
O.D. Cheruvu Mandal, Anantapur Mandal.

9 M. Lakshminarayana,

S/o. Rangappa S/o. Vali Sab
R/o. M. Kothapalli Village,
O.D. Cheruvu Mandal, Anantapur Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Rc.No. K4/586/2005 dt. 20-5-2005 as illegal arbitrary and set aside the same and pass such further or other orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: Mr. O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The Petitioner, an authorisee of a fair price shop in Kothapalli village, O.D.Cheruvu mandal, Ananthapur District, had his authorization suspended pending enquiry dated 07-12-2004. Pursuant to a report of the Mandal Revenue Officer, O.D.Cheruvu in Rc.No.2160/04 dated 25-11-2004, he was called upon to explain and he did so on 27-12-2004 and on 28-04-2005 the 2nd respondent passed final orders finding him guilty in respect of Charge No.1 and exonerating him in respect of charges 2 to 4 and consequently considering that the adequate measure of punishment would be a fine of Rs.500/-(rupees five hundred only) directed the said fine to be paid and restoration of his authorization.

2. It appears, aggrieved by the said order some of the cardholders, impleaded as respondents 4 to 9 in this Writ Petition, preferred an appeal to the 1st respondent. The 1st respondent by the order impugned granted stay of the orders of the Revenue Divisional Officer, dated 28-04-2005, consequent on which, the petitioner's suspension of authorization status is restored and he is out of business for the present. This is the grievance that led the petitioner to this Court.

2. On behalf of the petitioner a number of contentions were urged including that the

respondents 4 to 9 have no *locus standi* to maintain an appeal before the 1st respondent as they are not persons aggrieved within the meaning of the relevant control order. It is also urged that the 1st respondent did not prudently exercise his appellate jurisdiction while passing orders of stay on 2nd respondent's order, dated 28-04-2005.

3. As the appeal is pending before the 1st respondent, this Court does not consider it appropriate to pronounce on the locus standi of the respondents 4 to 9 to maintain an appeal. Insofar as grant of stay by the 1st respondent which is the order impugned is concerned, the said order constitutes the exercise of discretion by the appellate authority and this Court finds no justification for interference with such exercise of *ad interim* discretion. I find no merits in the Writ Petition.

4. Accordingly, the Writ Petition is dismissed. The 1st respondent may consider expeditious disposal of the appeal, preferably within two months from the date of receipt of a copy of this order.

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(GODA RAGHURAM,J)

9th June, 2005.

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To

1 The Joint Collector and Additional District Magistrate,

Anantapur.

2 The Revenue Divisional Officer,

Penukonda, Anantapur District.

3 The Mandal Revenue Officer,

O.D. Cheruvu Mandal,
Anantapur District.

4 Two CCS to the GP for Civil Supplies,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies

*Form-NIC-OGS/WP{**VSMI**}*